

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**VFS US LLC d/b/a VOLVO  
FINANCIAL SERVICES, f/d/b/a  
VOLVO COMMERCIAL FINANCE,**

**Plaintiff,**

**VS.**

**WALTER M. PRICE, III, and TMS  
DEVELOPMENT, LLC,**

**Defendants.**

**8:10CV168**

## FINDINGS AND RECOMMENDATION

This matter is before the magistrate judge for full pretrial supervision. The defendants were served with process on May 6, 2010 but did not respond to the Complaint. On July 14, 2010, the plaintiff was ordered to obtain an entry of default pursuant to Fed. R. Civ. P. 55(a) and file a motion for default judgment in accordance with Fed. R. Civ. P. 55(b) no later than August 13, 2010. The plaintiff has not complied with the July 14 order and has taken no other appropriate action to prosecute this case.

**IT THEREFORE IS RECOMMENDED** that plaintiff's claims be dismissed without prejudice pursuant to NECivR 41.2 and that this case be terminated for statistical purposes.

**DATED August 23, 2010.**

**BY THE COURT:**

**s/ F.A. Gossett**  
United States Magistrate Judge